

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:19-CR-309
	§	Judge Mazzant
MAXINE JULIETTE MITCHELL (3)	§	

ELEMENTS OF THE OFFENSE

You are charged in Count One of the Indictment with a violation of 21 U.S.C. § 846, Conspiracy to Possess with the Intent to Manufacture and Distribute a mixture or substance containing a detectable amount of methamphetamine and cocaine. The essential elements which must be proved beyond a reasonable doubt in order to establish a violation of that section are:

1. That you and one or more persons, in some way or manner made an agreement to commit the crime charged in the Indictment, that is, to possess with intent to manufacture and distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual), 28 grams or more of an amount of a mixture or substance containing a detectable amount of cocaine base and an amount of a mixture or substance containing a detectable amount of cocaine;
2. That you knew the unlawful purpose of the agreement;
3. That you joined in the agreement willfully, that is, with the intent to further its unlawful purpose;

4. That the overall scope of the conspiracy involved 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual), 28 grams or more of an amount of a mixture or substance containing a detectable amount of cocaine base and an amount of a mixture or substance containing a detectable amount of cocaine; and

5. That the defendant knew or reasonably should have known that the scope of the conspiracy involved 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual), 28 grams or more of an amount of a mixture or substance containing a detectable amount of cocaine base and an amount of a mixture or substance containing a detectable amount of cocaine.

Respectfully submitted,

Joseph D. Brown
United States Attorney
Eastern District of Texas

/s/ Matthew T. Johnson
Matthew T. Johnson
Assistant United States Attorney
600 East Taylor Street, Suite 2000
Sherman, Texas 75090
(903) 868-9454
(903) 892-2792 (fax)
Matthew.Johnson2@usdoj.gov
Texas Bar No. 24060033

CERTIFICATE OF SERVICE

I certify that I filed a true and correct copy of this document through the district court's Case Management/Electronic Case File ("CM/ECF") system on April 13, 2020. All case participants should have received notice of the filing through the CM/ECF system.

/s/ Matthew T. Johnson
MATTHEW T. JOHNSON